

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAY 1 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEXANDER SMIRNOV,

Defendant - Appellant.

No. 24-1133

D.C. No.

2:24-cr-00091-ODW-1

Central District of California,
Los Angeles

ORDER

Before: CANBY, TASHIMA, and KOH, Circuit Judges.

This is an appeal from the district court's pretrial detention order. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

Appellant's unopposed motion (Docket Entry No. 8) to supplement the memorandum in support of this appeal is granted.

We review the district court's factual findings concerning risk of flight under a "deferential, clearly erroneous standard." *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Id.* Thus, "the question of whether the district court's factual determinations justify the pretrial detention order is reviewed de novo." *United States v. Hir*, 517 F.3d 1081, 1086-87 (9th Cir. 2008) (citations omitted).

The district court correctly found that the government has met its burden of

showing, by a preponderance of the evidence, that “no condition or combination of conditions will reasonably assure the [defendant’s] appearance,” 18 U.S.C. § 3142(e), and that appellant thus poses a risk of flight. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). Furthermore, contrary to appellant’s contention, the district court did not err by subsequently concluding that appellant had not shown compelling reasons for temporary release under 18 U.S.C. § 3142(i).

Accordingly, we affirm the district court’s pretrial detention order and its order denying temporary release.

Appellant’s renewed request for reassignment to a different district judge is denied.

AFFIRMED.